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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
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13 RICHARD MARTINEZ,

CV F 02-6311 REC LJO P

14 Plaintiff,

15 v.

ORDER TO SHOW CAUSE WHY DEFAULT  
SHOULD NOT BE ENTERED AGAINST  
DEFENDANT CHALMERS

16 ANTONIA CHALMERS,

17 Defendants.  
18 \_\_\_\_\_/

19  
20 Richard Martinez ("Plaintiff") is a state prisoner proceeding pro se and in forma  
21 pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

22 On October 20, 2004, this Court issued Findings and Recommendations that the action  
23 proceed on the Amended Complaint against Defendant Chalmers and Doe for violation  
24 Plaintiff's Due Process rights. The Court directed the United States Marshal to effect service of  
25 the summons and complaint on Defendant Chalmers on November 18, 2004. The Marshal  
26 mailed Defendant a Waiver of Service of Summons form on December 7, 2004. Defendant  
27 Chalmers signed the waiver and it was filed with the court on December 20, 2004. In signing  
28 and returning the form, Defendant Chalmers acknowledged that judgment might be entered

1 against her if she did not file an Answer or other appropriate Motion within sixty days after  
2 December 7, 2004. More than sixty days have passed, however, and Defendant has not filed an  
3 Answer or other appropriate Motion.

4 Accordingly, the Court HEREBY ORDERS:

- 5 1. Within thirty (30) days from the date of service of this Order, Defendant Chalmers  
6 shall SHOW CAUSE, in writing, why default should not be entered against her;
- 7 2. The Clerk of Court is DIRECTED to serve a COURTESY COPY on the Office of  
8 the Attorney General.

9  
10 IT IS SO ORDERED.

11 **Dated: May 31, 2005**  
12 b9ed48

**/s/ Lawrence J. O'Neill**  
UNITED STATES MAGISTRATE JUDGE